

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Edward L. Myers**  
**Karen E. Myers**  
Debtor(s)

Bankruptcy Case No.: 18-70761-JAD  
Issued Per May 23, 2019 Proceeding  
Chapter: 13  
Docket No.: 35 – 30, 32, 33  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated March 5, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,435 as of June 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.  
The secured claim of Crescent Bank and Trust at Claim No. 1 shall govern as to claim amount, to be paid at the modified plan terms.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: June 4, 2019

Jeffery A. Deller  
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Edward L. Myers  
 Karen E. Myers  
 Debtors

Case No. 18-70761-JAD  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-7

User: jhel  
 Form ID: 149

Page 1 of 2  
 Total Noticed: 38

Date Rcvd: Jun 04, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 06, 2019.

db/jdb  
 14937021 +Edward L. Myers, Karen E. Myers, 170 Brush Creek Road, Homer City, PA 15748-5816  
 14937020 +AHN Emergency Group of Indiana County, PO Box 14099, Belfast, ME 04915-4034  
 14937022 +Aging Services, Inc., 1055 Oak St., PO Box 519, Indiana, PA 15701-0519  
 14937023 Bon Ton, Retail Services, PO Box 17264, Baltimore, MD 21297-1264  
 14937024 +Capital One Bank, 507 Prudential Road, Horsham, PA 19044-2308  
 Center for Orthopaedics and Sports Medic, Attn: #15257Y, PO Box 14000,  
 Belfast, ME 04915-4033  
 14937025 +Citi, PO Box 790040, Saint Louis, MO 63179-0040  
 14937026 Citibank, PO Box 6077, Sioux Falls, SD 57117-6077  
 14937027 Clymer Family Medicine, 349 Franklin Street, Clymer, PA 15728-1173  
 14951210 +Diamond Medical Supply, 639 Kolter Drive, Indiana, PA 15701-3570  
 14937031 +Forefront Dermatology, 801 York Street, Manitowoc, WI 54220-4630  
 14969873 +INDIANA REGIONAL MEDICAL CENTER, 640 KOLTER DRIVE, INDIANA, PA 15701-3570  
 14951214 +IRMC, PO Box 788, Indiana, PA 15701-0788  
 14937032 +Indiana Anesthesia, 1699 Washington Road, Suite 307, Pittsburgh, PA 15228-1629  
 14937033 Indiana Healthcare Physician Services, 640 Kolter Drive, Indiana, PA 15701-3570  
 14937034 +Indiana Regional Medical Center, PO Box 788, Indiana, PA 15701-0788  
 14951213 Indiana Regional Medical Center, PO Box 645546, Pittsburgh, PA 15264-5253  
 14937035 Indiana Regional Medical Center-CRNA, 1699 Washington Road, Suite 307,  
 Pittsburgh, PA 15228-1629  
 14937036 +Indiana Total Therapy, PO Box 14099, Belfast, ME 04915-4034  
 14951215 +KML Law Group, P.C., Suite 5000 - BNY Independence Center, 701 Market Street,  
 Philadelphia, PA 19106-1538  
 14937037 +Mariner Finance, LLC, 5142 State Route 30, Suite 102, Greensburg, PA 15601-7864  
 14951216 +Tactile Medical, 1331 Tyler Street NE, Suite 200, Minneapolis, MN 55413-1638  
 14937041 +The SOS Group, Collection Agency, PO Box 16211, Rocky River, OH 44116-0211  
 14937043 +Wells Fargo Dealer Services, P.O. Box 1697, Winterville, NC 28590-1697  
 14937044 Western PA Eye Institute, 1265 Wayne Ave, Suite 203, Indiana, PA 15701-3501

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14940229 +E-mail/Text: bankruptcy@cbtno.com Jun 05 2019 02:46:04 CRESCENT BANK & TRUST,  
 PO BOX 61813, NEW ORLEANS, LA 70161-1813  
 14937028 +E-mail/Text: bdsupport@creditmanagementcompany.com Jun 05 2019 02:45:45  
 Credit Management Co., 2121 Noblestown Rd., Pittsburgh, PA 15205-3956  
 14951208 E-mail/PDF: creditonebknotifications@resurgent.com Jun 05 2019 02:53:01 Credit One Bank,  
 P.O. Box 98873, Las Vegas, NV 89193-8873  
 14951209 +E-mail/Text: bankruptcy@cbtno.com Jun 05 2019 02:46:04 Crescent Bank, PO Box 61813,  
 New Orleans, LA 70161-1813  
 14937029 E-mail/Text: bankruptcy.bnc@ditech.com Jun 05 2019 02:45:05 DiTech, PO Box 6172,  
 Rapid City, SD 57709-6172  
 14972983 E-mail/Text: bankruptcy.bnc@ditech.com Jun 05 2019 02:45:05 Ditech Financial LLC,  
 PO Box 6154, Rapid City, SD 57709-6154  
 14937030 +E-mail/Text: bankruptcy@escallate.com Jun 05 2019 02:44:54 Escallate Inc.,  
 5200 Stoneham Road, Suite 200, Canton, OH 44720-1584  
 14975349 E-mail/PDF: cbp@onemainfinancial.com Jun 05 2019 02:52:54 ONEMAIN, P.O. BOX 3251,  
 EVANSVILLE, IN 47731-3251  
 14937038 E-mail/PDF: cbp@onemainfinancial.com Jun 05 2019 02:53:26 One Main, Townfair Center,  
 475 Ben Franklin Road S Ste 64, Indiana, PA 15701-2347  
 14938411 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jun 05 2019 03:06:56  
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 14937039 +E-mail/Text: paparalegals@pandf.us Jun 05 2019 02:45:59 Patenaude & Felix,  
 501 Corporate Drive, Southpointe, Suite 205, Canonsburg, PA 15317-8584  
 14937040 E-mail/PDF: gecsed@recoverycorp.com Jun 05 2019 02:53:10 Synchrony Bank, PO Box 965009,  
 Orlando, FL 32896-5009  
 14937042 +E-mail/Text: BankruptcyNotice@upmc.edu Jun 05 2019 02:45:51 UPMC, 2 Hot Metal Street,  
 Dist. Room 386, Pittsburgh, PA 15203-2348

TOTAL: 13

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr Ditech Financial LLC  
 cr\* Crescent Bank & Trust, P. O. Box 61813, New Orleans, LA 70161-1813  
 cr\* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 14951211\* DiTech, PO Box 6172, Rapid City, SD 57709-6172  
 14951212\* Indiana Healthcare Physician Services, 640 Kolter Drive, Indiana, PA 15701-3570

TOTALS: 1, \* 4, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0315-7

User: jhel  
Form ID: 149

Page 2 of 2  
Total Noticed: 38

Date Rcvd: Jun 04, 2019

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 06, 2019

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 4, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Ditech Financial LLC bkgroup@kmlawgroup.com  
Matthew M. Herron on behalf of Debtor Edward L. Myers mmh@thedebedtctors.com,  
hgs@thedebedtctors.com;alb@thedebedtctors.com  
Matthew M. Herron on behalf of Joint Debtor Karen E. Myers mmh@thedebedtctors.com,  
hgs@thedebedtctors.com;alb@thedebedtctors.com  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com  
William E. Craig on behalf of Creditor Crescent Bank & Trust ecfmail@mortoncraig.com,  
mhazlett@mortoncraig.com;mortoncraigecf@gmail.com

TOTAL: 6